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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA '08 MJ 8775

UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate's Case No.:
v.	)	COMPLAINT FOR VIOLATION OF
Oscar MEZA-Canez	)	Title 21 U.S.C.§ 841(a)(1) Possession of a Controlled Substance with Intent to Distribute
Defendant.	)	

The undersigned complainant duly sworn states:

That on or about August 25, 2008, within the Southern District of California, defendant Oscar MEZA-Canez did knowingly and intentionally possess with intent to distribute approximately 70.306 kilograms (155 pounds) of marijuana, a Schedule I Controlled Substance, in violation of Title 21 United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

Michael Dockery, Special Agent
Drug Enforcement Administration

Sworn to before me and subscribed in my presence, August 26, 2008.

Peter C. Lewis
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Oscar MEZA-Canez

STATEMENT OF FACTS

This complaint is based on the reports, documents, and notes furnished to Drug Enforcement Administration Special Agent Michael Dockery.

On August 25, 2008, as a duty agent for the Drug Enforcement Administration Imperial County District Office (ICDO), I responded to the United States Border Patrol Highway 86 Checkpoint north of Westmoreland, California. The following information was obtained from United States Border Patrol (USBP) reports and a post arrest mirandized interview of Oscar MEZA-Canez.

On August 25, 2008, at approximately 5:30 p.m., MEZA-Canez was observed operating a white 2000 model Ford F-250, bearing California license plate 8P47324, as MEZA-Canez traveled to the primary inspection point at the USBP Highway 86 checkpoint.

In primary, Border Patrol Agent (BPA) C. Casillas identified himself to MEZA-Canez as a USBP agent and asked MEZA-Canez questions concerning MEZA-Canez's citizenship. MEZA-Canez stated he was a citizen of Mexico and presented BPA Casillas with a valid permanent resident alien card. BPA Casillas noticed MEZA-Canez would not make eye contact and appeared to behave in a nervous manner. BPA Casillas directed MEZA-Canez to proceed to the secondary inspection area.

In the secondary inspection area, BPA S. Olivares noted MEZA-Canez stepped out of the vehicle without being asked to do so. BPA

Olivares again asked MEZA-Canez as to his citizenship. MEZA-Canez replied he was a citizen of Mexico and he had a permanent resident alien card. BPA Olivares then asked for consent to search MEZA-Canez's vehicle. MEZA-Canez gave consent which resulted in agents discovering a customized concealed compartment within a white fuel auxiliary reserve tank that was in the back of the pick-up truck.

Agents seized 40 packages from the compartment of the fuel tank that where each wrapped in brown cellophane tape and having a combined weight of approximately 70.306 kilograms (155 pounds) of a green leafy substance appearing to be marijuana. Agents used a Narcotics Identification System test on a randomly selected package which tested positive for the properties of marijuana.

MEZA-Canez was read his Miranda warnings in Spanish by USBP Agent A. Curiel. MEZA-Canez indicated he understood his rights and agreed to waive his rights and answer questions. MEZA-Canez explained he had crossed into the United States through the pedestrian crossing of the Calexico, California, West Port of Entry earlier during August 25, 2008. MEZA-Canez explained he walked to the Double AA Parking located near the intersection of Cesar Chavez and Second Street in Calexico. From there, MEZA-Canez stated he got into his Ford F-250 and drove the vehicle to a fuel station near the intersection of Cesar Chavez and Grant Street. At the fuel station, MEZA-Canez stated he put fuel into the auxiliary reserve fuel tank. MEZA-Canez then explained that he traveled north through Imperial County to Highway 86 eventually ending at the USBP Highway 86 checkpoint. MEZA-Canez stated he was on his way to the Coachella, California, and Indio, California areas. MEZA-Canez stated he currently drove this same route several times a week servicing semi-trucks. MEZA-Canez stated he did not know there were narcotics in the fuel tank and did not know of anyone that would have access to his vehicle. MEZA-Canez stated he parked his vehicle at Double AA Parking because the vehicle was a California registered vehicle and he (MEZA-Canez) was a citizen of Mexico.

Near the end of the interview, I commented to MEZA-Canez that the customized compartment of the auxiliary reserve fuel tank was very good and was the best built compartment I had seen. To this, MEZA-Canez replied that the guy that built it was good. I then asked MEZA-Canez who was the person that built the compartment. MEZA-Canez replied that he (MEZA-Canez) did not know. Shortly thereafter, MEZA-Canez was told that the packages were new in appearance. MEZA-Canez replied that they had been in there for a while.